

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN RAY FLETCHER,  
Plaintiff,  
v.  
T. LEMON, et al.,  
Defendants.

Case No. [21-cv-01021-WHO](#) (PR)

**ORDER OF DISMISSAL**

Dkt. No. 16

Plaintiff Bryan Ray Fletcher was ordered to show cause by September 1, 2023, why his federal civil rights action should not be dismissed for failure to prosecute. (Order To Show Cause (OSC), Dkt. No. 41.) The OSC was issued in response to defendant Gates's motion to compel Fletcher to respond to defendant's discovery requests, which he had failed to do despite being given several extensions of time. Fletcher has not responded to the OSC.

On April 7, 2023, defendant served Fletcher with a First Set of Interrogatories and Requests for Production of Documents "which sought the facts, witnesses, and documents supporting" Fletcher's 42 U.S.C. § 1983 claims that defendant did not act on his request for medical services. (Mot. to Compel, Dkt. No. 40 at 3.) The responses were due by May 7, 2023. (*Id.*) Defendant's counsel granted two extension requests from Fletcher, which extended the deadline to June 18, 2023. (*Id.*) Fletcher, however, did not serve his responses and did not ask for more time to respond. (*Id.*) Defendant's counsel sent Fletcher a meet-and-confer letter, which sought responses by July 14, 2023. (*Id.*) Fletcher has not responded to the letter. (*Id.*) Defendant filed a motion to compel, which I granted in the OSC.

1 The OSC told Fletcher that he could show cause by serving responses to defendant  
2 (not the Court) regarding defendant's First Set of Interrogatories and Requests for  
3 Production of Documents, which defendant served on him on April 7, 2023. (OSC, Dkt.  
4 No. 41 at 1.) Defendant, in response to instructions in the OSC, has informed me that  
5 "Defendants have not received responses to discovery since the Court's order or any other  
6 communication from the Plaintiff." (Notice Regarding Lack of Compliance, Dkt. No. 42  
7 at 2.) The Court also has received no response from defendant.


8 This federal civil rights action is **DISMISSED** (without prejudice) because Fletcher  
9 has failed to show cause why the action should not be dismissed under Federal Rule of  
10 Civil Procedure 41(b) for failure to prosecute.

11 If Fletcher wishes to reopen this action, he must file a motion to reopen which has  
12 the words **MOTION TO REOPEN** written on the first page. If the action is reopened,  
13 Fletcher must immediately comply with defendant's discovery request.

14 The Clerk shall enter judgment in favor of defendants, and close the file.

15 **IT IS SO ORDERED.**

16 **Dated:** September 27, 2023

17   
18 WILLIAM H. ORRICK  
United States District Judge